

THE STATE

OF WYOMING



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STATE ENGINEERWATER RIGHTS
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ADMINISTRATOR

5 May 1993

WILLIAM JONES, SUPERINTENDENT
WATER DIVISION NO. 1MICHAEL WHITAKER, SUPERINTENDENT
WATER DIVISION NO. 2CRAIG COOPER, SUPERINTENDENT
WATER DIVISION NO. 3JOHN TEICHERT, SUPERINTENDENT
WATER DIVISION NO. 4Bob Leake
Utah Regional Engineer
152 East 100 North
Vernal, UT 84078-2110Re: Regulation across state line
in Henry's Fork basin

Dear Mr. Leake:

With the limited introduction I have had to the problems in regulating water in the Henry's Fork basin, it has become obvious that orders from each state for the installation of headgates and measuring devices are absolutely necessary for the proper administration of the water rights. We have served orders for the following Wyoming water rights:

<u>Ditch</u>	<u>Source</u>	<u>Principal User</u>	<u>Requirement</u>
Bullock 1,2,3	Beaver	Jack Buckley	Headgates by 6/15/93
Homestead	Beaver	Glen Wadsworth	Headgate by 6/15/93
Langton #1	Beaver	Glen Wadsworth	Staff gage by 6/15/93
Langton #2	Beaver	Glen Wadsworth	Flume by 6/15/93
Nielson	Beaver	Earl Hanks	Flume repair by 6/15/93
Home	Burnt Fk	Wade Stevens	Larger flume by 6/15/93

After visiting with Water Commissioner Jim Hickey who by agreement between both states regulates both sides of the state line, and with the concurrence of his lead Hydrographer John Yarbrough and myself, we are asking that the State of Utah issue orders for the following Utah water rights:

<u>Ditch</u>	<u>Source</u>	<u>Principal User</u>	<u>Requirement</u>
Gregory Basin	E Beaver	Gino Foianini	Headgate
New East Hickey	W Beaver	Lyman Grazing	Headgate & Flume ¹
J&E Hickey 1396	W Beaver	Lyman Grazing	Headgate & Flume
Wyman Ditch	Burnt Fk	Bob Gamble	Headgate
Midway	Burnt Fk	John Wilde	Repair flume leaks
Baldy Springs	Burnt Fk	John Wilde	Flume ²
Preemption	Burnt Fk	Wade Stevens	Headgate
Middle Gregory	M Beaver	Gino Foianini	Headgate

¹ The needed headgate and flume for New East Hickey Ditch is only for the portion of 1533 changed to a new point of diversion.

² The flume for Baldy Springs Ditch is to be located on the main ditch below the return channel turnout.

Each order should require compliance by July 15, 1993, with the exception of Gregory Basin Ditch which by previous order will receive no water this season until an acceptable headgate is first installed. Each headgate order should be for a screw-type locking headgate, and each flume a Parshall flume.

It is the intent of Water Commissioner Jim Hickey to require on either side of the state line controllable headgates on every diversion, and to shut off any unpermitted diversions. We heartily appreciate your willingness to work together with us in assuring the proper and smooth regulation of this basin, and trust that Utah's water and law enforcement authorities will be forthcoming if called upon for assistance.

We also ask that Utah require formal changes in points of diversion (or headgates & flumes on the record points) for the following, so that the record headgates will match what is operating on the ground:

<u>Ditch</u>	<u>Source</u>	<u>Principal User</u>	<u>Change To</u>
part East Hickey 1233	W Beaver	Lyman Grazing	New East Hickey Ditch
Hickey 1231	W Beaver	Lyman Grazing	New Hickey or Carter Ditch
Buckley 1522	W Beaver	Jack Buckley	New Hickey Ditch
Smith 1958	W Beaver	Glen Wadsworth	New Hickey Ditch
H&M Buckley 1523	W Beaver	Jack Buckley	Buckley Flume Ditch
J&E Hickey 1955	W Beaver	Lyman Grazing	New Hickey Ditch
H&M Buckley 1952	W Beaver	Jack Buckley	Buckley Flume Ditch
J&E Hickey 1953	W Beaver	Lyman Grazing	New East Hickey Ditch
Carter 1533,2627	W Beaver	Glen Wadsworth	New Hickey Ditch
Lower H&M Buckley 1521	W Beaver	Jack Buckley	Buckley Flume Ditch
1390,1391,1392,1317, 1365	M Beaver	Lyman Grazing	Middle Beaver Ditch

If you have any questions on where these ditches are, what property they irrigate, the cfs flow, or recommended points of diversion, please contact Commissioner Jim Hickey.

Bob, to aid in our regulation this summer, and to confirm that these water appropriators have received the notices, please send me a copy of each headgate/flume order your serve.

While both states continue to pursue official mapping of irrigation rights, we hope to shut off junior duplicates as we discover them.

Even though snowpack conditions may indicate plentiful water early this year, these are long term problems that must not be ignored. A wet year may calm the situation enough to accommodate resolving these issues now without heated disputes. Please let us know if there are any issues we should confer on, or if we can provide any additional information. We would be happy to arrange to meet with Utah officials to discuss anything further.

Best regards,



Jade Henderson
DIVISION IV SUPERINTENDENT

Page 3, Bob Leake, 5 May 1993

cc: Jim Hickey, Commissioner (307) 782-6690
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Frank Carr, WY State Board of Control
Jeff Fassett, WY State Engineer

Lee H. Sim, Directing Engineer for Utah Adjudication
Robert L. Morgan, Utah State Engineer